



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ABQ-19-003

TITLE: Smithsonian National Museum of Natural History Repatriation Policy

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety, and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Smithsonian Institution, National Museum of Natural History (NMNH) and National Museum of the American Indian (NMAI) are required by federal statute to consult with tribal nations regarding human remains, funerary objects, sacred objects and objects of cultural patrimony held in possession of the NMNH; and

WHEREAS, the NMNH is subject to the repatriation provisions of the National Museum of the American Indian (NMAI) Act, as amended, 20 USC § 80q; and

WHEREAS, the NMNH must, to the greatest extent practicable, apply, with respect to such human remains, funerary objects, sacred objects and objects of cultural patrimony the principles and procedures set forth in sections 80q-9 and 80q-10 of the NMAI Act with respect to the Native American human remains and Native American funerary objects in the possession of the Smithsonian Institution; and

WHEREAS, the NMAI Act requires the Smithsonian Institution to repatriate Native American ancestors to modern day tribal nations; and

WHEREAS, the NMNH policy and guidance for culturally unidentifiable human remains is inadequate, including failure to appropriately document the provenience of their collections, and does not meet the needs of tribal nations; and

WHEREAS, the NMNH Repatriation Policy fails to meet the spirit of the NMAI Act by imposing an undue burden of proof of cultural affiliation on claiming tribal nations by failing to ensure a fair and objective consideration and assessment of all evidence, and by enacting a rigid dispute resolution policy that is not required by the NMAI Act (20 USC § 80q-10(3)); and

WHEREAS, in June of 2011, the Government Accountability Office (GAO) released an assessment of the NMNH's repatriation process and found that significant work is still needed to identify and repatriate Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, and that Congress expedite the Smithsonian's repatriation process; and

WHEREAS, in October of 2018, the United South and Eastern Tribes Board of Directors passed a resolution advocating for the NMNH to similarly revise their Repatriation Policy (USET SPF Resolution No. 2019 SPF:001); and

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon the Smithsonian National Museum of Natural History (NMNH) to revise its repatriation policy to include provisions for the repatriation of culturally unidentifiable human remains; and

BE IT FURTHER RESOLVED, that NCAI urges the NMNH to adapt its repatriation policy to consider similar lines of evidence as accepted by the National Museum of the American Indian Repatriation Policy and the Native American Graves Protection and Repatriation Act including but not limited to a tribal nation's relationship to the ancestral, historic, or aboriginal territories from where the human remains were collected; and

BE IT FURTHER RESOLVED, that NCAI urges the NMNH to revise its dispute resolution process to work with tribal nations more respectfully and engage in meaningful consultation to resolve the disposition of our ancestors; and

BE IT FURTHER RESOLVED, that NCAI encourages tribally owned or operated museums that are part of the Smithsonian Affiliates program to similarly encourage NMNH to adopt an appropriate policy, with the assistance of federally recognized tribes, for the repatriation of culturally unidentifiable Native American human remains; and

BE IT FURTHER RESOLVED, that NCAI calls upon the NMNH to follow the National Museum of the American Indian repatriation process; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.



Fawn Sharp, President**ATTEST:**

Juana Majel Dixon, Recording Secretary